

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

In re: § **Case No. 21-10630-tmd**
§
WC 717 N. HARWOOD PROPERTY, LLC, §
§
Debtor. § **Chapter 11**

**DEBTOR'S MOTION FOR ORDER EXTENDING TIME TO FILE
SCHEDULES OF ASSETS AND LIABILITIES AND STATEMENT OF
FINANCIAL AFFAIRS AND OTHER DOCUMENTS**

WC 717 N. Harwood Property, LLC (the “**Debtor**”) moves for entry of an order substantially in the form attached hereto granting the Debtor an additional fourteen (14) days, or from August 17 to August 31, 2021, to file its schedules of assets and liabilities, schedule of executory contracts and unexpired leases, and statement of financial affairs (collectively, the “**Schedules**”). In further support of this motion, the Debtor, by and through its proposed undersigned counsel, respectfully represents:

JURISDICTION AND VENUE¹

1. This Court has jurisdiction under 28 U.S.C. §1334. This is a core proceeding under 28 U.S.C. §157(b). Venue of this bankruptcy case and this motion in this district is proper under 28 U.S.C. §§1408 and 1409.

2. The legal predicate for the relief herein is Sections 105(a) and 521 and Rules 1007(a)(3), 1007(c), 2002(d), and 2002(m).

¹ Unless otherwise indicated, (a) all statutory references are to the United States Bankruptcy Code, Title 11 United States Code, and (b) all rule references are to the Federal Rules of Bankruptcy Procedure.

BACKGROUND

3. On August 3, 2021 (the “**Petition Date**”), the Debtor commenced this case by filing a petition for relief under Chapter 11 of the Bankruptcy Code (the “**Chapter 11 Case**”). The Debtor continues to operate its business and manage its properties as a debtor and debtor-in-possession pursuant to Sections 1107(a) and 1108.

4. To date, no creditors’ committee has been appointed in the Chapter 11 Case by the Office of the United States Trustee for the Western District of Texas (the “**United States Trustee**”). No trustee or examiner has been appointed in the Chapter 11 Case.

5. The Debtor owns and operates a 34-story Class A office building located in the Dallas City Center/Dallas Arts District neighborhood.

6. The debt on the Debtor’s property was originally held by JP Morgan Chase. The debt was subsequently purchased just before its original maturity date by SKW-B Acquisitions Seller J, LLC (“**SKW-B**”).

7. The Debtor had been in negotiations and discussions with SKW-B regarding obtaining additional time to satisfy SKW-B’s debt. Those negotiations, however, broke-down and the Debtor filed this bankruptcy case prior to a scheduled foreclosure by SKW-B. Given the significant equity in the property versus the outstanding loan balance owed to SKW-B (which the Debtor estimates to be in excess of \$50 million) the, Debtor is confident it will be successful in its efforts to reorganize.

ARGUMENT

8. Pursuant to Section 521 and Rule 1007(c), if the bankruptcy petition is accompanied by a list of all of the debtor’s creditors and other parties in interest, along with their addresses, within fourteen (14) days from the date of filing, a debtor is required to file with the

court: (i) a schedule of assets and liabilities; (ii) a statement of financial affairs; (iii) a statement of executory contracts and unexpired leases. An extension of those filings may be granted for “cause shown”.²

9. Cause exists to grant the requested extension. First, the first meeting of creditors is scheduled on September 7, 2021 at 11:00 a.m. CT, one week after the requested extended filing deadline. Accordingly, the United States Trustee, creditors, and other parties in interest should have more than sufficient time to evaluate the Schedules prior to the first meeting of creditors. Therefore, the relief requested should not result in any prejudice to any party.

10. Second, although this is a SARE case, it is in many ways more complex than most of the other cases filed by World Class entities before this Court. Among other things, the Debtor is party to numerous executory contracts and leases that will need to be described to some degree in the Schedules. In addition, as SKW-B has been in control of the Debtor’s rents, the Debtor requires certain information from SKW-B to complete the Schedules in connection with accounts receivable and the debt owed to SKW-B.

11. Third, the accounting professional with knowledge of the Debtor’s finances will be unavailable due to a pre-existing vacation scheduled for the week of August 16, 2021. To ensure that the Schedules are accurate, that individual will need additional time after return from vacation to compile and review the Debtor’s financial information with the Debtor’s proposed financial advisor (which will be completing the Schedules).

12. Fourth, as of the date of this motion, neither SKW-B or the United States Trustee have indicated that they oppose the extension of the deadline to file the Schedules to August 31. In particular, SKW-B has affirmed that it does *not* oppose the extension; the United States Trustee

² See Rule 1007(c).

indicated as of the time that counsel conferred that it has no position regarding the extension.

13. Given the circumstances of this case as described above, a fourteen (14) day extension of the current filing deadline of August 17, 2021 is reasonable.

NOTICE

14. Notice of this Motion shall be given to (a) the Office of the U.S. Trustee for the Western District of Texas; (b) the Debtor's 20 largest creditors; (c) counsel to SKW-B; and (d) any other party that has requested notice pursuant to Bankruptcy Rule 2002 as of the time of service. Due to the nature of the relief requested herein, the Debtor submits that no other or further notice need to be provided.

NO PRIOR REQUEST

15. No previous request for the relief sought herein has been made to this Court or any other court.

CONCLUSION

WHEREFORE, based on the arguments and authorities set forth above, the Debtor respectfully requests that the Court enter an order: (i) extending the time for filing the Schedules and Statements for an additional fourteen (14) days through and including August 31, 2021; and (ii) granting such order and further relief as the Court deems to be just and proper.

Dated: August 17, 2021

Respectfully submitted,

/s/ Mark H. Ralston
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**PROPOSED COUNSEL FOR DEBTOR
WC 717 N. HARWOOD PROPERTY, LLC**

CERTIFICATE OF CONFERENCE

I hereby certify that (a) on August 10, 2021, the undersigned counsel for the Debtor conferred with the United States Trustee and indicated that the United States Trustee did not have a position with respect to the requested relief and reserved all rights with respect to same upon review of the motion; and (b) on August 16, 2021, a representative of the Debtor conferred with counsel for SKW-B, which indicated that it did not have an objection to the requested relief.

/s/ Mark Ralston
Mark Ralston

CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2021, I caused to be served a true and correct copy of the foregoing document by the court ECF filing system on all parties who have entered their appearance electronically and by first class U.S. mail on the parties listed on the attached service list.

/s/ Mark Ralston
Mark Ralston

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Upon the Debtor's motion (the "**Motion**") for an order granting the Debtor additional time to file its schedules of assets and liabilities, schedule of executory contracts and unexpired leases, and statement of financial affairs (collectively, the "**Schedules**"); and due and sufficient notice of the Motion having been given under the particular circumstances; and it appearing that no other or further notice need be provided; and finding that the Debtor has shown cause for the relief requested by the Motion; and it appearing that this Court has jurisdiction to consider the Motion and relief requested therein in accordance with 28 U.S.C. §1334(b); and it appearing that

the Motion is a core proceeding pursuant to 28 U.S.C. §157(b)(2); and that venue in this district is allowed pursuant to 28 U.S.C. §§ 1408 and 1409; and upon the record herein, and after due deliberation thereon; and good and sufficient cause appearing therefore, it is hereby

ORDER, ADJUDGED AND DECREED that:

1. The Motion is Granted as provided herein.
2. The Debtor is hereby granted an extension of an additional fourteen (14) days, until twenty-eight (28) days after the Petition Date, or August 31, 2021, to file the Schedules.
3. This Court shall retain jurisdiction with respect to all matters arising or related to the implementation and interpretation of this Order.

END OF ORDER # #

PREPARED AND SUBMITTED BY:

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